



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 15, 2013

Lake Wenatchee Water Users Assoc  
J Cleve Borth  
16863 North Shore Drive  
Leavenworth Wa 98826-9133

**RE: Water Right Change Application No. CS4-WRC017516@4 (CHEL-09-11)**

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Chelan County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

**Summary of Ecology's Final Order**

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
0.8		359		17.76		Municipal, year-round	
SOURCE					TRIBUTARY OF (IF SURFACE WATER)		
Two Wells							
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
1) NE	SE	13	27	16 EWM	45	Chelan	
2) NW	SE	18	27	17			
AT A POINT LOCATED: PARCEL NO.							
1) Approximately 1785 feet N and 1285 feet W of the SE corner of Section 13, T. 27 N., R. 16 E.W.M. 2) To be specifically located at the time of proof examination.							

**FILE COPY**





LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as Lake Wenatchee Water District is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
DEVELOPMENT SCHEDULE					
BEGIN PROJECT BY THIS DATE:		COMPLETE PROJECT BY THIS DATE:		WATER TO PUT TO FULL USE BY THIS DATE:	
Begun		December 31, 2022		December 31, 2032	

Ecology has **MODIFIED** the decision of the Board as follows:

- 1) The Water Boards decision has been MODIFIED as noted in the table above.
- 2) The third provision in the board's **provisions** section is REPLACED with the following provision:

To prevent the authorized instant withdrawal rates of all Lake Wenatchee Water District rights from being exceeded at any time, the installed instantaneous capacity of the diversion/withdrawal points must be no greater than the total authorized withdrawal for all of said rights. In the future, if additional sources are added to the subject right, then they must be utilized in such a manner that the combined use of all sources does not exceed the total instant demand of all Lake Wenatchee Water District rights, which is 1.92cfs/862 gpm and 113.76 af.

- 3) The provisions and requirements outlined in previous Ecology modification orders and Board decisions shall remain in effect.
- 4) The following provision is ADDED to the Boards **provisions** section within the report of examination:

"If the criteria in RCW 90.03.386(2) are not met the place of use of this water right reverts to the service area described in the Water System Plan/Small Water System Management Program most recently approved after September 9, 2003. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by Ecology in a water right authorization."

**YOUR RIGHT TO APPEAL**

You have a right to appeal this Decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Decision. The appeal process is governed by



Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Decision:

- File your appeal and a copy of this Decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

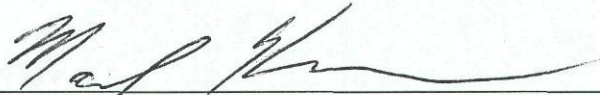
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

#### ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Suite 301 Tumwater WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

  
Mark Kemner, LHG, Section Manager  
Water Resources Program/CRO

MK:JK:ss/130413

Enclosures: *Your Right to Be Heard*

Certified Mail: 7010 0290 0000 7131 2672

cc: Mark Dunbar, Department of Ecology, CRO (email PDF)  
Lisa De Vera, Chelan County Conservancy Board  
Lois Trevino, Water Administrator, Colville Confederated Tribes  
Philip Rigdon, Director Natural Resources Division Yakama Nation



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 Street, Apt. No.,  
 or PO Box No. J Cleve Borth  
 City, State, ZIP+4<sup>®</sup> CS4-WRC017516@4

PS Form 3800, August 2006

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LAKE WENATCHEE WATER USERS ASSOC  
 J CLEVE BORTH  
 16863 NORTH SHORE DRIVE  
 LEAVENWORTH WA 98826-9133  
 WR/ss CB MOD CS4-WRC017516@4 4/15/13

2. Article Number  
 (Transfer from service label)

7010 0290 0000 7131 2672

PS Form 3811, February 2004

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature J Cleve Borth ☐ Agent ☐ Addressee
- B. Received by (Printed Name) J Cleve Borth C. Date of Delivery 4/19/13
- D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

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☐ Registered ☐ Return Receipt for Merchandise  
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102595-02-M-1540